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2007/012

Docket No. 60,469-219
OT-5094**REMARKS**

Applicant respectfully requests reconsideration of this application in which claim 15, which was objected to, has been cancelled and claims 1-3, 6-10, 13, 14, 16 and 22 are pending.

Claim 7 is not anticipated by Glassey, et al.

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. §102(a) based upon the *Glassey, et al.* reference. The Examiner's interpretation of that reference is unreasonable and, therefore, does not establish a *prima facie* case of anticipation.

First, the Examiner equates bolts 46 with "terminations" from Applicant's claims. That interpretation of the *Glassey, et al.* reference is unreasonable. The term "terminations" is a term of art in the elevator industry. One skilled in the elevator art would not consider bolts 46 of the *Glassey, et al.* reference to be consistent with terminations as that term is used by one skilled in the art. Terminations in an elevator context refer to hitch devices used for securing an end of a rope or belt that supports a load of the elevator car and counterweight. The interpretation of the bolts 46 from the *Glassey, et al.* reference as "terminations" is unreasonable.

Second, the Examiner's interpretation of the *Glassey, et al.* reference is internally inconsistent. The Examiner interprets the machine beam 32 as the "termination supporting portion" and the frame sides 26 as the "sheave supporting portion." Later in the Examiner's explanation, however, the Examiner refers to the frame side 26 as the "at least one transverse member extending between and secured to the lateral beam members." In other words, the Examiner interprets the frame sides 26 as the "termination supporting portion" of Applicant's claim 7. It is not possible to interpret the machine beam 32 as the termination supporting portion

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on the one hand and then interpret the frame sides 26 as the termination supporting portion on the other hand.

Moreover, assuming the Examiner's interpretation of the machine beam 32 as a termination supporting portion could be considered reasonable (and he did not rely on the frame side 26 as that portion), the machine beam 32 clearly does not extend between the plate 27 and "lower, unnumbered" plate of the *Glassey, et al.* reference. Additionally, the machine beam 32 is not transverse to either of those plates. Therefore, the interpretation of the machine beam 32 as a termination supporting portion, even if reasonable, does not establish a *prima facie* case of anticipation because it cannot satisfy the limitations on the claimed termination supporting portion.

If the Examiner were to only interpret the frame sides 26 as the termination supporting portion, that would not establish a *prima facie* case of anticipation, either, because the Examiner interprets the frame sides 26 as the sheave supporting portion of claim 7. The sheave supporting portion and the termination supporting portion of claim 7 have to be transverse to each other. The frame sides 26 cannot be transverse to themselves and cannot satisfy the relationship between the sheave supporting portion and the termination supporting portion of claim 7.

The *Glassey, et al.* reference does not establish a *prima facie* case of anticipation and claim 7 is allowable.

There is no *prima facie* case of obviousness against claims 1, 6 and 22 based upon the proposed combination of the *Salmon, et al.* and *Bauer* references.

The proposed combination does not establish a *prima facie* case of obviousness. Even if the *Salmon, et al.* and *Bauer* references could be combined, the result is not what the Examiner contends and does not establish a *prima facie* case of obviousness. *Bower* does not teach

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supporting portions that each comprise a plurality of metal sheets secured together. Therefore, even if the proposed combination could be made, the result is not the same as the claimed invention and there is no *prima facie* case of obviousness. All that *Bauer* says is that the frame 15.1 is "made of sections and a mounting plate 15.2." That does not constitute teaching using a plurality of metal sheets secured together for each of the supporting portions as recited in Applicant's claim 1. Therefore, even if the proposed combination could be made, the result is not the same as Applicant's claimed invention and there is no *prima facie* case of obviousness.

Claims 1, 6 and 22 are allowable.

**There is no *prima facie* case of obviousness against
Claim 2 based upon the proposed combination of
Salmon, et al., Bauer and Morris, et al.**

The proposed combination cannot be made. The Examiner is effectively using the *Morris, et al.* reference to modify the arrangement of the *Bauer* reference in a manner that violates MPEP 2143.01(V) and (VI). The *Bauer* reference requires a particular arrangement of components to achieve its intended purpose and to operate according to its disclosed principle of operation. If one were to rearrange the *Bauer* reference, it would not operate as intended and the required reason for modifying the combined *Salmon, et al.* and *Bauer* references with the teachings of *Morris, et al.* does not exist. In other words, the proposed combination cannot be made because it would rearrange the components of the *Bauer* reference in a manner that would interfere with the principle of operation of that reference. The *Bauer* reference specifically requires terminations on a "counterweight side" and an opposite "car side" of the hoistway. The Examiner is proposing to change that configuration to somehow render it consistent with Applicant's claim 2. That cannot be done as explained in MPEP 2143.01.

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Additionally, the *Morris, et al.* reference does not provide any suggestion for how to incorporate a second termination supporting portion into a single structure. As acknowledged by the Examiner, the *Bauer* reference specifically separates two different terminations on opposite sides of a hoistway. The *Morris, et al.* reference provides a single location for a plurality of terminations. It does not teach using more than one termination supporting portion but, instead, teaches a way of arranging a pattern of terminations to reduce a cross-sectional area occupied by the ropes at *Morris, et al.*'s hitch plate. Therefore, even if one added the teachings of the *Morris, et al.* reference to the proposed combination of the *Salmon, et al.* and *Bauer* references, the result would not be what the Examiner contends.

The only possible justification for taking the teachings of the *Salmon, et al.*, *Bauer* and *Morris, et al.* references and attempting to combine them in the manner suggested by the Examiner is hindsight reasoning based upon Applicant's disclosure and claims. That cannot be a basis for establishing a *prima facie* case of obviousness and, therefore, none exists against claim 2.

**There is no *prima facie* case of obviousness against
Claims 3 and 8-9 based upon the proposed combination
of *Salmon, et al.*, *Bauer* and *de Jong, et al.***

As noted above, *Salmon, et al.* and *Bauer* do not establish a *prima facie* case of obviousness against Claim 1. The proposed addition of the teachings of *de Jong, et al.* does not remedy the defect in the Examiner's proposed combination of *Salmon, et al.* and *Bauer*. Therefore, even if it were possible to make the proposed combination, there is no *prima facie* case of obviousness against claim 2 for the same reasons explained above for why there is no *prima facie* case of obviousness against Claim 1.

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There is no *prima facie* case of obviousness against any of Claims 10 and 13-16 based upon the proposed combination of *Salmon, et al.*, *de Jong, et al.* and *Orrman, et al.*

The proposed combination cannot be made because it would change the principle of operation of the *Salmon, et al.* reference and render it unsuitable for its intended purpose. MPEP 2143.01(V) and (VI) explains that a proposed modification to a reference cannot be made for purposes of attempting to establish a *prima facie* case of obviousness where that change would render the arrangement of the reference unsuitable for its intended purpose or change its principle of operation. As the Examiner acknowledges in the most recent office, the *Salmon, et al.* reference requires a particular angular offset between the sheaves of that reference. What the Examiner does not acknowledge, however, is that modifying the reference in the Examiner's proposed manner would remove that angle from the *Salmon, et al.* arrangement. That cannot be done because then it would no longer work as intended. The only way the *Salmon, et al.* reference can achieve its intended interleaved roping arrangement (i.e., perform its intended function and operate according to its intended principle of operation) is to keep that particular angular offset between the sheave axes. If one were to modify the *Salmon, et al.* reference to be consistent with the *de Jong, et al.* reference and have parallel axes between the sheaves, the *Salmon, et al.* arrangement would no longer work.

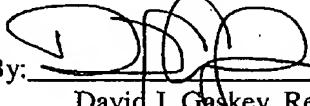
A proposed modification that renders the teachings of a reference unworkable and unusable for its intended purpose cannot be made. Therefore, there is no *prima facie* case of obviousness and claim 16 and its dependents are allowable.

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Applicant believes that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

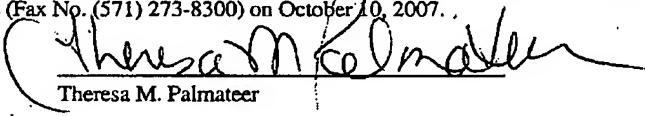
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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration for Application Serial No. 10/537,605, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on October 10, 2007.


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